of the car was merely performing the work of his employer under his arrangement with the defendant. That the driver, Moses, was at the time of the accident, in the employ of Steinhauser and not of the defendant appellant is, I think, sustained by the decisions in Kellogg *v.* Church Charity Foundation of Long Island, 203 N. Y., 191, 96 N. E., 406, 38 L. R. A. (N. S.), 481, Ann. Cas., 1913A, 883, Driscoll *v.* Towle, 181 Mass., 416, 63 N. E., 922, and Weaver *v.* Jackson, 153 App. Div., 661, 138 N. Y. Supp., 609, and many other decisions holding that under the circumstances existing in the case at bar the owner of the car and not the hirer is responsible for the negligence of his servant, the driver.

"The respondent relies upon the decision of this court in Braxton *v.* Mendelson, 190 App. Div., 278, 179 N. Y. Supp., 845. That case is clearly distinguishable from the case at bar. In the Braxton case the defendant, the owner of the truck, had leased it with others under a yearly contract with a dairy company to furnish trucks to work by the day for such company; the company had full charge of the trucks; the truck in question was kept at the hirer's plant and was taken out every morning and returned to the same place every night, and was at all times exclusively in the control and possession of the hirer, save only when repairs were required upon it, when it was temporarily returned to the owner; the driver of the car was assigned to the hirer's organization, and it was necessary for him to become a member of the Milk Drivers' Union in order to drive the car for the hirer; the chauffeur received his orders solely from the hirer, and had no dealings with his original employer, aside from receiving his wages and authority with reference to repairs upon the car; whereas, in the case at bar, the driver of the truck remained under the control at all times of the owner of the car, from whom he received directions each day where, in the performance of the owner's contract with the express company, he was to proceed for work; each day the car was returned to the owner's garage, and each morning the driver obtained his directions directly from the owner as to where his services were required. While, as before stated, in carrying out his master's contract with the express company, he received directions from the express company from time to time during the day, where they desired their goods to be taken, such directions in no manner involved the services of the driver to the express company, but were merely to direct where the express company's goods were to be taken, pursuant to its contract with the owner of the car."

Streets and Highways—One Way Automobile Ordinance.—An ordinance confining the operation of all motor vehicles on one of its streets, for a specified distance, to travel in one direction, because of the narrowness of such street, was held valid by the Court of Appeals of Kentucky in Commonwealth *v.* Nolan, 224 S. W. 506.

The court said in part: "Whether such an ordinance is valid or otherwise has not been passed on in this jurisdiction, but it cannot be unconstitutional, as being special legislation or discriminatory, merely because it legislates solely upon the operation of motor vehicles, and fails to regulate the operation of all other vehicles using the same street. Christy *v.* Elliott, 216 Ill. 31, 74 N. E. 1035, 1 L. R. A. (N. S.) 215, 108 Am. St. Rep. 196, 3 Ann. Cas. 487; Mahoney *v.* Maxfield, 102 Minn. 377, 113 N. W. 904, 14 L. R. A. (N. S.) 251, 12 Ann. Cas. 289. Indeed, the right of the state or municipality to regulate the operation of motor vehicles may be said to be universally recognized, and that this must be done, by putting them in a class in which other vehicles are not included, arises out of the new elements of danger peculiar to their structure, mechanism and use. Objection to the constitutionality of such state or municipal regulation, on the ground that it is class legislation or discriminatory in its operation, has repeatedly been declared to be without merit. State *v.* Mayo, 106 Me. 62, 26 L. R. A. (N. S.) 502, 75 Atl. 295, 20 Ann. Cas. 512; Fifth Ave. Coach Co. *v.* New York, 194 N. Y. 19, 21 L. R. A. (N. S.) 744, 86 N. E. 824, 16 Ann. Cas. 695, and authorities cited in the notes to each. Complaints that such legislation is unreasonable and oppressive are also dealt with by the foregoing authorities and others, and likewise held to be without merit. In State *v.* Mayo, supra, a municipal ordinance regarding the 'use of roads in the town of Eden,' and excluding the operation of automobiles on certain of them, was the subject of attack. In sustaining the validity of the ordinance and constitutionality of the act authorizing its passage, the court held: 'The legislature may, without impairing the constitutional right to equal protection of the laws, or the right of pursuing happiness, authorize a municipal corporation to close to automobiles dangerous streets, the use of which by such machines may endanger the lives of their occupants, or of those driving horses upon the streets.' And, further, that 'forbidding the use of automobiles on highways constructed over deep ravines and along the edges of cliffs, to protect the lives of their occupants and of those attempting to use horses along such roads, is reasonable. In Com. *v.* Kingsbury, 199 Mass. 542, L. R. A. 1915E, 264, 127 Am. St. Rep. 513, 85 N. E. 848, it was held that a municipal corporation might, by ordinance, exercise the power delegated by the legislature 'to make special regulations * * * as to the use of automobiles and motorcycles on particular roads including their complete exclusion therefrom; it being a valid exercise of the police power.'

"In Barbier *v.* Connolly, 113 U. S. 27, 5 Sup. Ct. 357, 28 L. Ed. 923, the Supreme Court, Mr. Justice Field writing, said: 'Class legislation, discriminating against some and favoring others, is prohibited; but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation

it affects alike all persons similarly situated, is not within the amendment.'

"The authorities we have cited and commented on seem to us to be conclusive of the questions under consideration, and, while we do not hold that motor vehicles may be wholly excluded from the use of any road used by other vehicles, we are not inclined to disagree with the conclusions they otherwise express. Manifestly, there can be nothing unreasonable or oppressive in an ordinance which confines the use of a single dangerous street by such vehicles to travel one way."

Wills—Letter Directing Attorney to Destroy Will Not a Revocation.—An aged woman died in 1918 leaving no descendents of the full blood, but was survived by numerous second and third cousins of the half blood. In 1916 she made a will giving her friend and executor $1,000, and the residue to a young man who had boarded with her for a number of years. She had previously executed a will giving each of these persons $1,000, and, after making a few small legacies, leaving the residue to the executor. The executor was a lawyer, and drew both of the wills. A few days before her death one of the second cousins called on the old lady, and was told by the housemaid that a will had been made in favor of the young boarder. She returned the next day and stayed with the old lady until she died. At her request the cousin wrote a letter to the executor asking him to destroy the will, which was signed by the testatrix and witnessed by the housemaid and the writer of the letter, both of whom wrote their names on the back of the letter at the request of the testatrix. The letter was delivered to the executor, while he was a patient in a hospital, and he said the will was in his office safe. He was not discharged from the hospital and nothing was done regarding the will before the old lady died, the next morning.

The will was offered for probate, and certain issues submitted to a jury on the demand of some of the heirs at law. The objections were dismissed and the will admitted to probate. The decree was affirmed by the Appellate Division of the New York Supreme Court, and its decree was affirmed by the Court of Appeals in Re McGill's Will, 128 Northeastern Reporter, 194. The court said in part:

"To revoke a will it is necessary not only that there should be an intent to revoke the will, the intent must be consummated by some of the acts specified in the statute, or by the execution of an instrument 'declaring such revocation.' The difficulty with the appellant's position is that the paper writing does not itself declare the revocation. It does not declare an intention o revoke the will except through its destruction, either wholly or so far as Hart is concerned, by O'Kennedy.